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(b) An active surveying reference station system consisting of reference stations statewide that continuously transmit global positioning system data to a system server, and the server that receives and processes the data received from the reference stations.

(2) The department may charge a fee for providing access to the system under sub. (1) in an amount to be established by rule. All fees received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jg).

SECTION 1582. 86.34 (title) of the statutes is amended to read:

86.34 (title) Flood Disaster damage aids.

SECTION 1583. 86.34 (1) of the statutes is renumbered 86.34 (1m), and 86.34

(1m) (a) and (b), as renumbered, are amended to read:

86.34 (1m) (a) When any public highway, street, alley or bridge not on the state trunk highway system is damaged by flood a disaster, the county highway committee, or the governing body of the municipality having jurisdiction over the maintenance thereof of the highway, may adopt a petition for aid under this section and file a certified copy thereof of the petition with the department. To be eligible for aid the petition shall be filed not later than 2 months after the occurrence of the flood disaster damage, except as provided in par. (b). All such petitions shall state the dates on which the flood disaster damage occurred and as nearly as practical state the location, nature, and extent of the damage.

(b) The department may extend the filing deadline under par. (a) if it appears reasonably likely that federal disaster aid may be forthcoming or when widespread or continuous flooding disaster damage makes an evaluation of flood damage difficult.

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SECTION 1584

1 **SECTION 1584.** 86.34 (1g) of the statutes is created to read:

2 86.34 (1g) In this section:

3 (a) "Catastrophic highway failure" means the sudden failure of a major element
4 or segment of the highway system due to a cause that is external to a highway, but
5 does not include any failure primarily attributable to gradual and progressive
6 deterioration or lack of proper maintenance of a highway.

7 (b) "Disaster" means any of the following:

8 1. A severe storm, flood, fire, tornado, mudslide, or other natural event external
9 to a highway or a catastrophic highway failure.

10 2. An event or recurring damage caused by any governmental unit or person
11 acting under the direction or approval of, or permit issued by, any governmental unit
12 and in response to an event described in subd. 1.

13 (c) "Governmental unit" means the state or any state agency, as defined in s.
14 20.001 (1); any county, city, village, town, or other political subdivision of the state;
15 or the federal government or any of its agencies.

16 (d) "Highway" means a highway, as defined in s. 340.01 (22), that is not on the
17 state trunk highway system.

18 **SECTION 1585.** 86.34 (2) of the statutes is amended to read:

19 86.34 (2) The department shall make such investigation as it deems necessary
20 and within 6 months from the date of filing the petition shall make its determination
21 as to the granting of aid, the amount thereof, and the conditions under which it is
22 granted. In making its determination the department shall cause an estimate to be
23 made of the cost of repairing or replacing the facilities damaged or destroyed by the
24 flood to standards and efficiency similar to those previously existing immediately
25 before the damage or destruction, and also an estimate of the cost of reconstructing

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1 the facilities to a higher type or improving any such facilities if determined to be
2 warranted and advisable. Except as provided in ~~sub.~~ subs. (2m) and (6), the amount
3 of aid payable for damage caused by a disaster described in sub. (1g) (b) 1. shall be
4 ~~three-fourths~~ 75 percent of the cost of repair or replacement to standards similar to
5 those ~~previously existing~~ immediately before the damage or destruction, plus 50%
6 of the increased cost of the reconstruction to a higher type or the improvement of any
7 of the facilities. Except as provided in subs. (2m) and (6), the amount of aid payable
8 for damage caused by a disaster described in sub. (1g) (b) 2. shall be 70 percent of the
9 cost of repair or replacement to standards similar to those existing immediately
10 before the damage or destruction. The department may revise estimates on the basis
11 of additional facts. The county, town, village, or city shall pay the remainder of the
12 cost not allowed as aid, but this shall not invalidate any other provision of the
13 statutes whereby the cost may be shared by the county and the town, village, or city.

14 **SECTION 1586.** 86.34 (2m) of the statutes is amended to read:

15 86.34 **(2m)** If Subject to sub. (6), if the department's estimate under sub. (2) of
16 the cost of repair or improvement of the facilities determined by the department to
17 be eligible for aid is \$15,000 or less, the department shall offer the petitioner an
18 amount of aid equal to 75% of the total amount of the department's estimate for
19 damage caused by a disaster described in sub. (1g) (b) 1. or 70 percent of the total
20 amount of the department's estimate for damage caused by a disaster described in
21 sub. (1g) (b) 2. If the petitioner accepts aid under this subsection, the aid shall be paid
22 to the petitioner or, subject to sub. (5), the county, and no other form of aid is available
23 under this section for the repair or improvement of such facilities.

24 **SECTION 1587.** 86.34 (6) of the statutes is created to read:

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(a)

1 86.34 (6) The department may not pay aid under this section in excess of

2 \$1,000,000, in connection with disaster damage resulting from a single disaster,

3 unless the payment of aid is approved by the governor and approved as provided
in par. (b)

4 SECTION 1588. 93.02 of the statutes is amended to read:

5 93.02 Staff. The secretary shall appoint all staff necessary for the carrying out
6 of the duties of the department, all of whom shall be under the classified service
7 except the deputy secretary, the executive assistant deputy secretary, and, subject
8 to s. 230.08 (4) (a), the administrators of divisions. Each such deputy secretary,
9 executive assistant deputy secretary, or administrator shall be appointed by the
10 secretary with the approval of the board.

11 SECTION 1589. 93.135 (title) of the statutes is amended to read:

12 93.135 (title) License denial, nonrenewal, suspension or restriction
13 based on failure to pay support or taxes.

14 SECTION 1590. 93.135 (1) (rg) of the statutes is created to read:

15 93.135 (1) (rg) A certification or registration under s. 168.23 (3).

16 SECTION 1591. 93.135 (4) of the statutes is created to read:

17 93.135 (4) The department shall deny an application for the issuance or
18 renewal of certification or registration under s. 168.23 (3), or shall suspend or restrict
19 such a certification or registration, if the department of revenue certifies under s.
20 73.0301 that the holder of the certification or registration is liable for delinquent
21 taxes.

22 SECTION 1592. 93.40 (1) (g) of the statutes is amended to read:

23 93.40 (1) (g) Promote the growth of the dairy industry through research,
24 planning, and assistance, including grants and loans to dairy producers and grants
25 to persons operating processing plants.

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1 **SECTION 1593.** 93.60 of the statutes is repealed.

2 **SECTION 1594.** 98.246 (1) of the statutes is amended to read:

3 98.246 (1) In this section, "petroleum products" has the meaning given under
4 s. ~~168.03~~ 168.01 (3).

5 **SECTION 1595.** 101.02 (18m) of the statutes is renumbered 93.06 (1pm) and
6 amended to read:

7 **93.06 (1pm) TESTING OF PETROLEUM PRODUCTS.** The department may perform,
8 or contract for the performance of, testing of petroleum products other than testing
9 provided under ch. 168. The department may establish a schedule of fees for such
10 petroleum product testing services. The department shall credit all revenues
11 received from fees established under this subsection to the appropriation account
12 under s. ~~20.165 (2) (ga)~~ 20.115 (1) (gc). Revenues from fees established under this
13 subsection may be used by the department to pay for testing costs, including
14 laboratory supplies and equipment amortization, for such products.

15 **SECTION 1596.** 101.02 (18r) of the statutes is created to read:

16 **101.02 (18r)** The department shall promulgate a rule specifying fees for plan
17 reviews relating to the storage, handling, or use of flammable or combustible liquids
18 or federally regulated hazardous substances, as defined in s. 168.21 (3).

19 **SECTION 1597.** 101.02 (20) (a) of the statutes is amended to read:

20 **101.02 (20) (a)** For purposes of this subsection, "license" means a license,
21 permit, or certificate of certification or registration issued by the department for an
22 occupation or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~,
23 ~~101.147~~, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
24 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
25 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,

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1 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under
2 ch. 101 or 145.

3 **SECTION 1598.** 101.02 (21) (a) of the statutes is amended to read:

4 101.02 (21) (a) In this subsection, "license" means a license, permit, or
5 certificate of certification or registration issued by the department for an occupation
6 or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~, ~~101.147~~, 101.15
7 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73
8 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2),
9 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
10 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

11 **SECTION 1599.** 101.02 (24) (a) 2. of the statutes is amended to read:

12 101.02 (24) (a) 2. "License" means a license, permit, or certificate of
13 certification or registration issued by the department for an occupation or profession
14 under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~, ~~101.147~~, 101.15 (2) (e), 101.16
15 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654,
16 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,
17 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
18 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

19 **SECTION 1600.** 101.09 (title) of the statutes is repealed.

20 **SECTION 1601.** 101.09 (1) (intro.) of the statutes is renumbered 168.21 (intro.)
21 and amended to read:

22 **168.21 Definitions.** (intro.) In this ~~section~~ subchapter:

23 **SECTION 1602.** 101.09 (1) (a) of the statutes is renumbered 168.21 (1).

24 **SECTION 1603.** 101.09 (1) (am) of the statutes is renumbered 168.21 (3).

25 **SECTION 1604.** 101.09 (1) (b) of the statutes is renumbered 168.21 (4).

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SECTION 1605

1 **SECTION 1605.** 101.09 (1) (c) of the statutes is renumbered 168.21 (5).

2 **SECTION 1606.** 101.09 (1) (cm) of the statutes is renumbered 168.21 (6).

3 **SECTION 1607.** 101.09 (1) (d) of the statutes is renumbered 168.21 (7).

4 **SECTION 1608.** 101.09 (2) (title) of the statutes is renumbered 168.22 (title).

5 **SECTION 1609.** 101.09 (2) (a) of the statutes is renumbered 168.22 (1) and

6 amended to read:

7 168.22 (1) Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person
8 who constructs, owns or controls a tank for the storage, handling or use of liquid that
9 is flammable or combustible or a federally regulated hazardous substance shall
10 comply with the standards adopted under ~~sub. (3)~~ s. 168.23.

11 **SECTION 1610.** 101.09 (2) (b) of the statutes is renumbered 168.22 (2) and

12 amended to read:

13 168.22 (2) This section subchapter does not apply to storage tanks which
14 require a hazardous waste license under s. 291.25.

15 **SECTION 1611.** 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and

16 amended to read:

17 168.22 (3) This section subchapter does not apply to storage tanks which are
18 installed above ground level and which are less than 5,000 gallons in capacity.

19 **SECTION 1612.** 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4)

20 (intro.) and amended to read:

21 168.22 (4) (intro.) Any rules promulgated under ~~sub. (3)~~ s. 168.23 requiring an
22 owner to test the ability of a storage tank, connected piping or ancillary equipment
23 to prevent an inadvertent release of a stored substance do not apply to storage tanks
24 that satisfy all of the following:

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1 **SECTION 1613.** 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22
2 (4) (a) to (c).

3 **SECTION 1614.** 101.09 (2) (d) of the statutes is renumbered 168.22 (5) and
4 amended to read:

5 168.22 (5) This ~~section~~ subchapter does not apply to a pressurized natural gas
6 pipeline system regulated under 49 CFR 192 and 193.

7 **SECTION 1615.** 101.09 (3) (title) of the statutes is renumbered 168.23 (title).

8 **SECTION 1616.** 101.09 (3) (a) of the statutes is renumbered 168.23 (1).

9 **SECTION 1617.** 101.09 (3) (b) of the statutes is renumbered 168.23 (2) and
10 amended to read:

11 168.23 (2) The department may transfer any information which the
12 department receives under ~~par. (a)~~ sub. (1) to any other agency or governmental unit.
13 The department and any such agency shall treat the name of the owner and the
14 location of any noncommercial storage tank which stores heating oil for consumptive
15 use on the premises, required to be submitted to the department under ~~par. (a)~~ sub.
16 (1), as confidential and shall not permit inspection or copying under s. 19.35 of any
17 record containing the information.

18 **SECTION 1618.** 101.09 (3) (c) of the statutes is renumbered 168.23 (3) and
19 amended to read:

20 168.23 (3) The rule promulgated under ~~par. (a)~~ sub. (1) may require the
21 certification or registration of persons who install, remove, clean, line, perform
22 tightness testing on and inspect tanks and persons who perform site assessments.
23 Any rule requiring certification or registration shall also authorize the revocation or
24 suspension of the certification or registration. The department may not require an

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1 individual who is eligible for the veterans fee waiver program under s. 45.44 to pay
2 any fee that may be charged pursuant to such a rule.

3 **SECTION 1619.** 101.09 (3) (d) of the statutes is renumbered 168.23 (4) and
4 amended to read:

(Plain) (5) 168.23 (4) The department shall promulgate a rule specifying fees for plan
(6) review and inspection of tanks for the storage, handling, or use of flammable or
7 combustible liquids and for any certification or registration required under par. (e)
8 sub. (3).

9 **SECTION 1620.** 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

10 **SECTION 1621.** 101.09 (3m) (a) of the statutes is renumbered 168.24 (1) and
11 amended to read:

12 168.24 (1) In this ~~subsection~~ section, “hazardous substance” means a
13 combustible liquid, a flammable liquid, or a federally regulated hazardous
14 substance.

15 **SECTION 1622.** 101.09 (3m) (b) of the statutes is renumbered 168.24 (2) and
16 amended to read:

17 168.24 (2) The department may not impose any requirement that specifies that
18 pipe connections at the top of a storage tank and beneath all freestanding pumps and
19 dispensers that routinely contain a hazardous substance be placed within secondary
20 containment sumps, if the pipe connections were installed or in place on or before
21 February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

22 **SECTION 1623.** 101.09 (4) (title) of the statutes is renumbered 168.25 (title).

23 **SECTION 1624.** 101.09 (4) (a) of the statutes is renumbered 168.25 (1) and
24 amended to read:

25 168.25 (1) The department shall enforce this ~~section~~ subchapter.

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1 **SECTION 1625.** 101.09 (4) (b) of the statutes is renumbered 168.25 (2) and
2 amended to read:

3 168.25 (2) The department shall issue orders directing and requiring
4 compliance with the rules and standards of the department adopted under this
5 ~~section~~ subchapter whenever, in the judgment of the department, the rules or
6 standards are threatened with violation, are being violated or have been violated.

7 **SECTION 1626.** 101.09 (4) (c) of the statutes is renumbered 168.25 (3).

8 **SECTION 1627.** 101.09 (5) of the statutes is renumbered 168.26 and amended
9 to read:

10 **168.26 Penalties.** Any person who violates this ~~section~~ subchapter or any rule
11 or order adopted under this ~~section~~ subchapter shall forfeit not less than \$10 nor
12 more than \$5,000 for each violation. Each violation of this ~~section~~ subchapter or any
13 rule or order under this ~~section~~ subchapter constitutes a separate offense and each
14 day of continued violation is a separate offense.

15 **SECTION 1628.** 101.1206 (1) of the statutes is amended to read:

16 101.1206 (1) The department shall establish statewide standards for erosion
17 control at building sites that have a land disturbance that is less than one acre in area
18 and that are for the construction of public buildings, ~~as defined in s. 101.01 (12), and~~
19 buildings that are places of employment, ~~as defined in s. 101.01 (11).~~

20 **SECTION 1629.** 101.14 (5) (a) of the statutes is amended to read:

21 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
22 department by rule for plan review and approval for the construction of a new or
23 additional installation or change in operation of a previously approved installation
24 for the storage, handling or use of a liquid that is flammable or combustible or a
25 federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3),

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1 the department shall collect a groundwater fee of \$100 for each plan review
2 submittal. The moneys collected under this subsection shall be credited to the
3 environmental fund for environmental management.

4 **SECTION 1630.** 101.14 (5) (b) of the statutes is amended to read:

5 101.14 (5) (b) Notwithstanding par. (a), an installation for the storage,
6 handling or use of a liquid that is flammable or combustible or a federally regulated
7 hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), that has a capacity
8 of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

9 **SECTION 1631.** 101.142 (title) and (1) (intro.) of the statutes are renumbered
10 168.28 (title) and (1) (intro.).

11 **SECTION 1632.** 101.142 (1) (a) of the statutes is renumbered 168.28 (1) (a) and
12 amended to read:

13 168.28 (1) (a) ~~“Petroleum~~ Notwithstanding s. 168.01 (3), “petroleum product”
14 means materials derived from petroleum, natural gas, or asphalt deposits and
15 includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants,
16 waxes, greases, and petrochemicals.

17 **SECTION 1633.** 101.142 (1) (b) and (2) of the statutes are renumbered 168.28
18 (1) (b) and (2).

19 **SECTION 1634.** 101.143 (title) and (1) (intro.) and (ad) of the statutes are
20 renumbered 292.63 (title) and (1) (intro.) and (ad).

21 **SECTION 1635.** 101.143 (1) (am) of the statutes is repealed.

22 **SECTION 1636.** 101.143 (1) (b) of the statutes is repealed.

23 **SECTION 1637.** 101.143 (1) (bm) to (i) of the statutes are renumbered 292.63 (1)
24 (bm) to (i).

25 **SECTION 1638.** 101.143 (1m) of the statutes is renumbered 292.63 (1m).

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1 **SECTION 1639.** 101.143 (2) (title) and (b) and (c) of the statutes are renumbered
2 292.63 (2) (title) and (b) and (c).

3 **SECTION 1640.** 101.143 (2) (d) of the statutes is renumbered 292.63 (2) (d) and
4 amended to read:

5 292.63 (2) (d) The department shall reserve a portion, not to exceed 20%, of the
6 amount annually appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) for awards (fr)
7 under this section to be used to fund emergency remedial action and claims that
8 exceed the amount initially anticipated.

9 **SECTION 1641.** 101.143 (2) (e) to (g) of the statutes are renumbered 292.63 (2)
10 (e) to (g).

11 **SECTION 1642.** 101.143 (2) (h) of the statutes is renumbered 292.63 (2) (h), and
12 292.63 (2) (h) (intro.) and 3., as renumbered, are amended to read:

13 **292.63 (2) (h) (intro.)** ~~The department of safety and professional services and~~
14 ~~the department of natural resources, jointly,~~ shall promulgate rules designed to
15 facilitate effective and cost-efficient administration of the program under this
16 section that specify all of the following:

17 3. Review procedures that must be followed by employees of the department
18 ~~of natural resources and the department of commerce~~ in reviewing the information
19 submitted under subd. 1.

20 **SECTION 1643.** 101.143 (2) (i) of the statutes is renumbered 292.63 (2) (i), and
21 292.63 (2) (i) (intro.) and 1., as renumbered, are amended to read:

22 292.63 (2) (i) (intro.) ~~The department of safety and professional services and~~
23 ~~the department of natural resources, jointly,~~ shall promulgate rules specifying
24 procedures for evaluating remedial action plans and procedures to be used by
25 employees of the department ~~of safety and professional services and the department~~

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SECTION 1643

1 of natural resources while remedial actions are being conducted. The departments
2 department shall specify procedures that include all of the following:

3 1. Annual reviews that include application of the method in the rules
4 promulgated under sub. (2e) (b) (a) to determine the risk posed by discharges that
5 are the subject of the remedial actions.

6 **SECTION 1644.** 101.143 (2) (j) of the statutes is renumbered 292.63 (2) (j), and
7 292.63 (2) (j) (intro.) and 1., as renumbered, are amended to read:

8 292.63 (2) (j) (intro.) The department of safety and professional services and
9 the department of natural resources, jointly, shall promulgate rules specifying all of
10 the following:

11 1. The conditions under which employees of the department of commerce and
12 the department of natural resources must issue approvals under sub. (3) (c) 4.

13 **SECTION 1645.** 101.143 (2) (k) of the statutes is repealed.

14 **SECTION 1646.** 101.143 (2) (L) of the statutes is renumbered 292.63 (2) (L) and
15 amended to read:

16 292.63 (2) (L) The department may promulgate rules for the assessment and
17 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and
18 for providing other assistance requested by applicants under this section. Any
19 moneys collected under this paragraph shall be credited to the appropriation account
20 under s. 20.165 (2) (Lm) 20.370 (2) (ej).

21 **SECTION 1647.** 101.143 (2e) (title) of the statutes is renumbered 292.63 (2e)
22 (title).

23 **SECTION 1648.** 101.143 (2e) (a) of the statutes is renumbered 292.63 (2e) (a) and
24 amended to read:

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1 292.63 (2e) (a) ~~The department of safety and professional services and the~~
2 ~~department of natural resources shall attempt to agree on~~ promulgate rules that
3 specify a method, which shall include individualized consideration of the routes for
4 migration of petroleum product contamination at each site, for determining the risk
5 to public health, safety and welfare and to the environment posed by discharges for
6 which the ~~department of safety and professional services~~ receives notification under
7 sub. (3) (a) 3.

8 **SECTION 1649.** 101.143 (2e) (b) of the statutes is repealed.

9 **SECTION 1650.** 101.143 (2e) (c) of the statutes is renumbered 292.63 (2e) (c) and
10 amended to read:

11 292.63 (2e) (c) ~~The department of natural resources or, if the discharge is~~
12 ~~covered under s. 101.144 (2) (b), the department of safety and professional services~~
13 shall apply the method in the rules promulgated under par. (b) ~~(b)~~ (a) to determine the
14 risk posed by a discharge for which the ~~department of safety and professional~~
15 ~~services~~ receives notification under sub. (3) (a) 3.

16 **SECTION 1651.** 101.143 (2m) of the statutes is repealed.

17 **SECTION 1652.** 101.143 (3) (title) and (a) of the statutes are renumbered 292.63
18 (3) (title) and (a), and 292.63 (3) (a) 4., 5. and 9., as renumbered, are amended to read:

19 292.63 (3) (a) 4. The owner or operator registers the petroleum product storage
20 system or the home oil tank system is registered with the department of agriculture,
21 trade and consumer protection under s. ~~101.09~~ 168.23.

22 5. The owner or operator or the person reports the discharge in a timely manner
23 to the division of emergency management in the department of military affairs or to
24 the ~~department of natural resources~~, according to the requirements under s. 292.11.

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1 9. The owner or operator or the person follows standards for groundwater
2 restoration in the groundwater standards in the rules promulgated by the
3 department of ~~natural resources~~ under ss. 160.07 and 160.09 and restores the
4 environment, to the extent practicable, according to those standards at the site of the
5 discharge from a petroleum product storage system or home oil tank system.

6 **SECTION 1653.** 101.143 (3) (ae) of the statutes is renumbered 292.63 (3) (ae) and
7 amended to read:

8 292.63 (3) (ae) *New systems.* An owner or operator or a person owning a home
9 oil tank system is not eligible for an award under this section for costs incurred
10 because of a petroleum product discharge from an underground petroleum product
11 storage tank system or a home oil tank system that meets the performance standards
12 in 40 CFR 280.20 or in rules ~~promulgated by~~ of the department of agriculture, trade
13 and consumer protection relating to underground petroleum product storage tank
14 systems installed after December 22, 1988, if the discharge is confirmed after
15 December 31, 1995.

16 **SECTION 1654.** 101.143 (3) (ah) of the statutes is renumbered 292.63 (3) (ah)
17 and amended to read:

18 292.63 (3) (ah) *New aboveground systems.* An owner or operator is not eligible
19 for an award under this section for costs incurred because of a petroleum product
20 discharge from a petroleum product storage system that is not an underground
21 petroleum product storage tank system and that meets the performance standards
22 in rules ~~promulgated by~~ of the department of agriculture, trade and consumer
23 protection relating to petroleum product storage systems that are not underground
24 petroleum product storage tank systems and that are installed after April 30, 1991,
25 if the discharge is confirmed after December 22, 2001.

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SECTION 1655

1 **SECTION 1655.** 101.143 (3) (am) of the statutes is renumbered 292.63 (3) (am)

2 and amended to read:

3 292.63 (3) (am) *Upgraded underground systems.* 1. An owner or operator or
4 a person owning a home oil tank system is not eligible for an award under this section
5 for costs incurred because of a petroleum product discharge from an underground
6 petroleum product storage tank system or a home oil tank system if the discharge
7 is confirmed after December 31, 1995, and the discharge is confirmed, or activities
8 under par. (c) or (g) are begun with respect to that discharge, after the day on which
9 the underground petroleum product storage tank system or home oil tank system
10 first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules
11 ~~promulgated by~~ of the department of agriculture, trade and consumer protection
12 relating to the upgrading of existing underground petroleum product storage tank
13 systems, except as provided in subd. 2.

14 2. If an underground petroleum product storage tank system or home oil tank
15 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules
16 ~~promulgated by~~ of the department of agriculture, trade and consumer protection
17 relating to the upgrading of existing underground petroleum product storage tank
18 systems, after December 31, 1993, and the owner or operator or person owning the
19 home oil tank system applies for private pollution liability insurance covering the
20 underground petroleum product storage tank system or home oil tank system within
21 30 days after the day on which the underground petroleum product storage tank
22 system or home oil tank system first meets those upgrading requirements, then the
23 owner or operator or person remains eligible for an award for costs incurred because
24 of a petroleum product discharge, from that underground petroleum product storage
25 tank system or home oil tank system, which is confirmed, and with respect to which

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1 activities under par. (c) or (g) are begun, before the 91st day after the day on which
2 the underground petroleum product storage tank system or home oil tank system
3 first meets those upgrading requirements.

4 **SECTION 1656.** 101.143 (3) (ap) of the statutes is renumbered 292.63 (3) (ap)
5 and amended to read:

6 292.63 (3) (ap) *Upgraded aboveground systems.* An owner or operator is not
7 eligible for an award under this section for costs incurred because of a petroleum
8 product discharge from a petroleum product storage system that is not an
9 underground petroleum product storage tank system if the discharge is confirmed
10 after December 22, 2001, and the discharge is confirmed, or activities under par. (c)
11 or (g) are begun with respect to that discharge, after the day on which the petroleum
12 product storage system first meets the upgrading requirements in rules
13 promulgated by of the department of agriculture, trade and consumer protection
14 relating to the upgrading of existing petroleum product storage systems that are not
15 underground petroleum product storage tank systems.

16 **SECTION 1657.** 101.143 (3) (av) of the statutes is renumbered 292.63 (3) (av) and
17 amended to read:

18 292.63 (3) (av) *Claims submitted for petroleum product storage systems on*
19 *tribal trust lands.* The owner or operator of a petroleum product storage system
20 located on trust lands of an American Indian tribe may submit a claim for an award
21 under sub. (4) if the owner or operator otherwise satisfies par. (a) and complies with
22 the rules promulgated under this section and any other rules promulgated by of the
23 department of agriculture, trade and consumer protection concerning petroleum
24 product storage systems.

ASSEMBLY BILL 40**SECTION 1658**

1 **SECTION 1658.** 101.143 (3) (b), (bm) and (bn) of the statutes are renumbered
2 292.63 (3) (b), (bm) and (bn).

3 **SECTION 1659.** 101.143 (3) (c) of the statutes is renumbered 292.63 (3) (c), and
4 292.63 (3) (c) 4., as renumbered, is amended to read:

5 292.63 (3) (c) 4. Receive written approval from the department of natural
6 resources ~~or, if the discharge is covered under s. 101.144 (2) (b), from the department~~
7 ~~of safety and professional services~~ that the remedial action activities performed
8 under subd. 3. meet the requirements of s. 292.11.

9 **SECTION 1660.** 101.143 (3) (cm) of the statutes is renumbered 292.63 (3) (cm)
10 and amended to read:

11 292.63 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
12 owning a home oil tank system may, with the approval of the department of natural
13 resources ~~or, if the discharge is covered under s. 101.144 (2) (b), the department of~~
14 ~~safety and professional services~~, satisfy the requirements of par. (c) 2. and 3. by
15 proposing and implementing monitoring to ensure the effectiveness of natural
16 attenuation of petroleum product contamination.

17 **SECTION 1661.** 101.143 (3) (cp) of the statutes is renumbered 292.63 (3) (cp) and
18 amended to read:

19 292.63 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. ~~to 5. and~~
20 5., if the department of natural resources ~~or, if the site is covered under s. 101.144~~
21 ~~(2) (b), the department of safety and professional services~~ estimates that the cost to
22 complete a site investigation, remedial action plan and remedial action for an
23 occurrence exceeds \$60,000, the department of safety and professional services shall
24 implement a competitive public bidding process to obtain information to assist in
25 making the determination under par. (cs).

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1 2. The department of safety and professional services or the department of
2 ~~natural resources~~ may waive the requirement under subd. 1. if an enforcement
3 standard is exceeded in groundwater within 1,000 feet of a well operated by a public
4 utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide
5 water for human consumption.

6 5. The department of safety and professional services or the department of
7 ~~natural resources~~ may waive the requirement under subd. 1. after providing notice
8 to the ~~other department~~ secretary of administration.

9 6. The department of safety and professional services may disqualify a bid
10 received under subd. 1. if, based on information available to the department and
11 experience with remedial action at other sites, the bid is unlikely to establish an
12 amount to sufficiently fund remedial action that will comply with par. (c) 3. and with
13 enforcement standards.

14 7. The department of safety and professional services may disqualify a person
15 from submitting bids under subd. 1. if, based on past performance of the bidder, the
16 department determines that the person has demonstrated an inability to complete
17 remedial action within established cost limits.

18 **SECTION 1662.** 101.143 (3) (cs) (title) of the statutes is renumbered 292.63 (3)
19 (cs) (title).

20 **SECTION 1663.** 101.143 (3) (cs) 1. of the statutes is renumbered 292.63 (3) (cs)
21 1. and amended to read:

22 292.63 (3) (cs) 1. The department of safety and professional services shall
23 review the remedial action plan for a site ~~that is classified as low or medium risk~~
24 ~~under s. 101.144~~ and shall determine the least costly method of complying with par.
25 (c) 3. and with enforcement standards. The department shall notify the owner or

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1 operator of its determination of the least costly method and shall notify the owner
2 or operator that reimbursement for remedial action under this section is limited to
3 the amount necessary to implement that method.

4 **SECTION 1664.** 101.143 (3) (cs) 2. of the statutes is repealed.

5 **SECTION 1665.** 101.143 (3) (cs) 3. of the statutes is renumbered 292.63 (3) (cs)
6 3. and amended to read:

7 292.63 (3) (cs) 3. In making determinations under ~~subds. subd. 1. and 2.~~, the
8 ~~department of natural resources and the department of safety and professional~~
9 ~~services~~ shall determine whether natural attenuation will achieve compliance with
10 par. (c) 3. and with enforcement standards.

11 **SECTION 1666.** 101.143 (3) (cs) 4. of the statutes is renumbered 292.63 (3) (cs)
12 4. and amended to read:

13 292.63 (3) (cs) 4. ~~The department of safety and professional services may~~
14 ~~review and modify an amount established under subd. 1. if the department~~
15 ~~determines that new circumstances, including newly discovered contamination at a~~
16 ~~site, warrant those actions. The department of safety and professional services and~~
17 ~~the department of natural resources may review and modify an amount established~~
18 ~~under subd. 2. if the departments determine that new circumstances, including~~
19 ~~newly discovered contamination at a site, warrant those actions.~~

20 **SECTION 1667.** 101.143 (3) (cw) (title) of the statutes is renumbered 292.63 (3)
21 (cw) (title).

22 **SECTION 1668.** 101.143 (3) (cw) 1. of the statutes is renumbered 292.63 (3) (cw)
23 1. and amended to read:

24 292.63 (3) (cw) 1. ~~The department of safety and professional services shall~~
25 ~~conduct the annual review required under sub. (2) (i) 1. for a site that is classified as~~

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1 ~~low or medium risk under s. 101.144~~ and shall determine the least costly method of
2 completing remedial action at the site in order to comply with par. (c) 3. and with
3 enforcement standards. The department shall notify the owner or operator of its
4 determination of the least costly method and shall notify the owner or operator that
5 reimbursement under this section for any remedial action conducted after the date
6 of the notice is limited to the amount necessary to implement that method.

7 **SECTION 1669.** 101.143 (3) (cw) 2. of the statutes is repealed.

8 **SECTION 1670.** 101.143 (3) (cw) 3. of the statutes is renumbered 292.63 (3) (cw)
9 3. and amended to read:

10 292.63 (3) (cw) 3. In making determinations under ~~subds.~~ subd. 1. and 2., the
11 ~~department of natural resources and the department of safety and professional~~
12 ~~services~~ shall determine whether natural attenuation will achieve compliance with
13 par. (c) 3. and with enforcement standards.

14 **SECTION 1671.** 101.143 (3) (cw) 4. of the statutes is renumbered 292.63 (3) (cw)
15 4. and amended to read:

16 292.63 (3) (cw) 4. The ~~department of safety and professional services~~ may
17 review and modify an amount established under subd. 1. if the department
18 determines that new circumstances, including newly discovered contamination at a
19 site, warrant those actions. ~~The department of safety and professional services and~~
20 ~~the department of natural resources may review and modify an amount established~~
21 ~~under subd. 2. if the departments determine that new circumstances, including~~
22 ~~newly discovered contamination at a site, warrant those actions.~~

23 **SECTION 1672.** 101.143 (3) (d) of the statutes is renumbered 292.63 (3) (d) and
24 amended to read:

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SECTION 1672

1 292.63 (3) (d) *Final review of remedial action activities.* The department of
2 ~~natural resources or, if the discharge is covered under s. 101.144 (2) (b), the~~
3 ~~department of safety and professional services~~ shall complete a final review of the
4 remedial action activities within 60 days after the claimant notifies the appropriate
5 department that the remedial action activities are completed.

6 **SECTION 1673.** 101.143 (3) (e) of the statutes is repealed.

7 **SECTION 1674.** 101.143 (3) (f) of the statutes is renumbered 292.63 (3) (f), and
8 292.63 (3) (f) 5., as renumbered, is amended to read:

9 292.63 (3) (f) 5. The written approval of the department of natural resources
10 ~~or the department of safety and professional services~~ under par. (c) 4.

11 **SECTION 1675.** 101.143 (3) (g) of the statutes is renumbered 292.63 (3) (g) and
12 amended to read:

13 292.63 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1. and
14 2., an owner or operator or the person may submit a claim for an award under sub.
15 (4) after notifying the department under par. (a) 3., without completing an
16 investigation under par. (c) 1. and without preparing a remedial action plan under
17 par. (c) 2., if an emergency existed which made the investigation under par. (c) 1. and
18 the remedial action plan under par. (c) 2. inappropriate and, before conducting
19 remedial action, the owner or operator or person notified the department of safety
20 ~~and professional services and the department of natural resources~~ of the emergency
21 ~~and the department of safety and professional services and the department of~~
22 ~~natural resources~~ authorized emergency action.

23 **SECTION 1676.** 101.143 (3) (h) of the statutes is renumbered 292.63 (3) (h).

24 **SECTION 1677.** 101.143 (4) (title) of the statutes is renumbered 292.63 (4) (title).

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SECTION 1678

1 **SECTION 1678.** 101.143 (4) (a) of the statutes is renumbered 292.63 (4) (a), and
2 292.63 (4) (a) 6. and 7., as renumbered, are amended to read:

3 292.63 (4) (a) 6. In any fiscal year, the department may not award more than
4 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) as awards for
5 petroleum product storage systems described in par. (ei). (b) (fr)

6 7. In any fiscal year, the department may not award more than 5% of the
7 amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) as awards for petroleum
8 product storage systems that are owned by school districts and that are used for
9 storing heating oil for consumptive use on the premises where stored.

10 **SECTION 1679.** 101.143 (4) (b) of the statutes is renumbered 292.63 (4) (b).

11 **SECTION 1680.** 101.143 (4) (c) of the statutes is renumbered 292.63 (4) (c), and

12 292.63 (4) (c) 12., as renumbered, is amended to read: are

13 292.63 (4) (c) 12. Costs that are incurred after the date of a notice under sub.
14 (3) (cw) 1. ~~or 2.~~ and that exceed the amount necessary to comply with sub. (3) (c) 3.
15 and with enforcement standards using the method specified in the notice.

16 **SECTION 1681.** 101.143 (4) (cc) of the statutes is renumbered 292.63 (4) (cc).

17 **SECTION 1682.** 101.143 (4) (ce) of the statutes is renumbered 292.63 (4) (ce).

18 **SECTION 1683.** 101.143 (4) (cm) of the statutes is renumbered 292.63 (4) (cm).

19 **SECTION 1684.** 101.143 (4) (d) of the statutes is renumbered 292.63 (4) (d).

20 **SECTION 1685.** 101.143 (4) (dg) of the statutes is renumbered 292.63 (4) (dg).

21 **SECTION 1686.** 101.143 (4) (di) of the statutes is renumbered 292.63 (4) (di).

22 **SECTION 1687.** 101.143 (4) (dm) of the statutes is renumbered 292.63 (4) (dm).

23 **SECTION 1688.** 101.143 (4) (dr) of the statutes is renumbered 292.63 (4) (dr).

24 **SECTION 1689.** 101.143 (4) (e) of the statutes is renumbered 292.63 (4) (e).

25 **SECTION 1690.** 101.143 (4) (ee) of the statutes is renumbered 292.63 (4) (ee).

ASSEMBLY BILL 40**SECTION 1691**

1 **SECTION 1691.** 101.143 (4) (ei) of the statutes is renumbered 292.63 (4) (ei), and
2 292.63 (4) (ei) 1m. a. and b. and 2m., as renumbered, are amended to read:

3 292.63 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel of
4 35 or more acres of contiguous land, on which the farm tank is located, which is
5 devoted primarily to agricultural use, as defined in s. 91.01 (2), including land
6 designated by the department of natural resources as part of the ice age trail under
7 s. 23.17, which during the year preceding submission of a first claim under sub. (3)
8 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
9 which, during the 3 years preceding that submission produced gross farm profits, as
10 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
11 which the farm tank is located, of which at least 35 acres, during part or all of the
12 year preceding that submission, were enrolled in the conservation reserve program
13 under 16 USC 3831 to 3836.

14 b. The claim is submitted by a person who, at the time that the notification was
15 made under sub. (3) (a) 3., was the owner of the farm tank and owned a parcel of 35
16 or more acres of contiguous land, on which the farm tank is or was located, which was
17 devoted primarily to agricultural use, as defined in s. 91.01 (2), including land
18 designated by the department of natural resources as part of the ice age trail under
19 s. 23.17, which during the year preceding that notification produced gross farm
20 profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years
21 preceding that notification, produced gross farm profits, as defined in s. 71.58 (4), of
22 not less than \$18,000, or a parcel of 35 or more acres, on which the farm tank is
23 located, of which at least 35 acres, during part or all of the year preceding that
24 notification, were enrolled in the conservation reserve program under 16 USC 3831
25 to 3836.

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1 2m. The owner or operator of the farm tank has received a letter or notice from
2 ~~the department of safety and professional services or department of natural~~
3 ~~resources~~ indicating that the owner or operator must conduct a site investigation or
4 remedial action because of a discharge from the farm tank or an order to conduct such
5 an investigation or remedial action.

6 **SECTION 1692.** 101.143 (4) (em) of the statutes is renumbered 292.63 (4) (em).

7 **SECTION 1693.** 101.143 (4) (es) of the statutes is renumbered 292.63 (4) (es), and
8 292.63 (4) (es) 1., as renumbered, is amended to read:

9 292.63 (4) (es) 1. The department shall issue an award for a claim filed after
10 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,
11 by an owner or operator or a person owning a home oil tank system in investigating
12 the existence of a discharge or investigating the presence of petroleum products in
13 soil or groundwater if the investigation is undertaken at the written direction of the
14 ~~department of safety and professional services or the department of natural~~
15 ~~resources~~ and no discharge or contamination is found.

16 **SECTION 1694.** 101.143 (4) (f) of the statutes is renumbered 292.63 (4) (f).

17 **SECTION 1695.** 101.143 (4) (g) of the statutes is renumbered 292.63 (4) (g).

18 **SECTION 1696.** 101.143 (4) (h) of the statutes is renumbered 292.63 (4) (h).

19 **SECTION 1697.** 101.143 (4e) of the statutes is renumbered 292.63 (4e).

20 **SECTION 1698.** 101.143 (4m) of the statutes is renumbered 292.63 (4m).

21 **SECTION 1699.** 101.143 (5) of the statutes is renumbered 292.63 (5).

22 **SECTION 1700.** 101.143 (6) of the statutes is renumbered 292.63 (6).

23 **SECTION 1701.** 101.143 (6s) of the statutes is renumbered 292.63 (6s).

24 **SECTION 1702.** 101.143 (7) of the statutes is renumbered 292.63 (7).

25 **SECTION 1703.** 101.143 (7m) of the statutes is renumbered 292.63 (7m).

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SECTION 1704

1 **SECTION 1704.** 101.143 (9) of the statutes is renumbered 292.63 (9).

2 **SECTION 1705.** 101.143 (9m) of the statutes is renumbered 292.63 (9m).

3 **SECTION 1706.** 101.143 (10) of the statutes is renumbered 292.63 (10).

4 **SECTION 1707.** 101.1435 of the statutes is renumbered 292.64, and 292.64 (1)

5 (b) and (2) (b), as renumbered, are amended to read:

6 **292.64 (1) (b)** "Underground petroleum product storage tank system" has the
7 meaning given in s. ~~101.143~~ 292.63 (1) (i).

8 **(2) (b)** Using the method that the department uses to determine inability to pay
9 under s. ~~101.143~~ 292.63 (4) (ee), the department determines that the owner of the
10 underground petroleum product storage tank system is unable to pay to empty,
11 clean, remove, and dispose of the underground petroleum product storage tank
12 system; to assess the site on which the underground petroleum product storage tank
13 system is located; and to backfill the excavation.

14 **SECTION 1708.** 101.144 of the statutes is repealed.

15 **SECTION 1709.** 101.19 (1r) of the statutes is amended to read:

16 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive
17 any fee imposed on an individual who is eligible for the veterans fee waiver program
18 under s. 45.44 for a license, permit, or certificate of certification or registration issued
19 by the department under ss. ~~101.09 (3) (e), s. 101.122 (2) (c), 101.143 (2) (g), 101.147,~~
20 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or
21 (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
22 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16,
23 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

24 **SECTION 1710.** 101.45 of the statutes is renumbered 16.956.

25 **SECTION 1711.** 101.653 (2m) of the statutes is amended to read:

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1 101.653 (2m) RULES FOR ADMINISTRATION. The department shall promulgate
2 rules for the administration of construction site erosion control under this
3 subchapter by counties, cities, villages and towns, including provisions regarding the
4 issuance of building permits and the collection and distribution of fees.

5 **SECTION 1712.** 101.653 (8) of the statutes is created to read:

6 101.653 (8) INAPPLICABILITY. This section does not apply to a construction site
7 that has a land disturbance area that is one acre or more in area.

8 **SECTION 1713.** 102.07 (17m) of the statutes is amended to read:

9 102.07 (17m) A participant in a trial employment match program job under s.
10 49.147 (3) is an employee of any employer under this chapter for whom the
11 participant is performing service at the time of the injury.

12 **SECTION 1714.** 102.75 (1m) of the statutes is amended to read:

13 102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and
14 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible
15 fund designated as the worker's compensation operations fund. Moneys in the fund
16 may be expended only as provided in s. 20.445 (1) (ra), (rb), and (rp) and (2) (ra) and
17 may not be used for any other purpose of the state.

18 **SECTION 1715.** 108.02 (21e) (intro.) of the statutes is amended to read:

19 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional
20 employer organization" means any person who is currently registered as a
21 professional employer organization with the department of ~~safety and professional~~
22 ~~services~~ financial institutions in accordance with subch. III of ch. 461 202, who
23 contracts to provide the nontemporary, ongoing employee workforce of more than one
24 client under a written leasing contract, the majority of whose clients are not under

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SECTION 1715

1 the same ownership, management, or control as the person other than through the
2 terms of the contract, and who under contract and in fact:

3 **SECTION 1716.** 108.04 (2) (a) 2. of the statutes is amended to read:

4 108.04 (2) (a) 2. As of that week, the individual has registered for work as
5 directed by the department; and

6 **SECTION 1717.** 108.04 (2) (a) 3. (intro.) of the statutes is amended to read:

7 108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for
8 suitable work during that week, unless the search requirement is waived under par.

9 (b). The search for suitable work must include ~~2~~ at least 4 actions per week that
10 constitute a reasonable search as prescribed by rule of the department. This

11 subdivision does not apply to an individual if the department determines that the
12 individual is currently laid off from employment with an employer but there is a
13 reasonable expectation of reemployment of the individual by that employer. In
14 determining whether the individual has a reasonable expectation of reemployment
15 by an employer, the department shall request the employer to verify the individual's
16 employment status and shall also consider other factors, including:

17 **SECTION 1718.** 108.14 (7) (bm) of the statutes is created to read:

18 108.14 (7) (bm) Upon request of the department of revenue, the department
19 may provide information, including social security numbers, concerning claimants
20 to the department of revenue for the purpose of administering state taxes,
21 identifying fraudulent tax returns, providing information for tax-related
22 prosecutions, or locating persons or the assets of persons who have failed to file tax
23 returns, who have underreported their taxable income, or who are delinquent
24 debtors. The department of revenue shall adhere to the limitation on inspection and
25 disclosure of the information under par. (b).

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SECTION 1719

1 **SECTION 1719.** 108.161 (7) of the statutes is amended to read:

2 108.161 (7) If any moneys appropriated hereunder are used to buy and hold
3 suitable land, with a view to the future construction of an employment security
4 building thereon, and if such land is later sold or transferred to other use, the
5 proceeds of such sale (or the value of such land when transferred) shall be credited
6 to the account created by sub. (1) except as otherwise provided in ss. 13.48 (14) and
7 16.848.

8 **SECTION 1720.** 108.161 (9) of the statutes is amended to read:

9 108.161 (9) Any land and building or office quarters acquired under this section
10 shall continue to be used for employment security purposes. Realty or quarters may
11 not be sold or transferred to other use if prior action is taken under s. 13.48 (14) (am)
12 or 16.848 (1) and may not be sold or transferred without the governor's approval. The
13 proceeds from the sale, or the value of realty or quarters upon transfer, shall be
14 credited to the account established in sub. (1) or credited to the fund established in
15 s. 108.20, or both in accordance with federal requirements. Equivalent substitute
16 rent-free quarters may be provided, as federally approved. Amounts credited under
17 this subsection shall be used solely to finance employment security quarters
18 according to federal requirements.

19 **SECTION 1721.** 108.24 (4) of the statutes is amended to read:

20 108.24 (4) Any person who, without authorization of the department, permits
21 inspection or disclosure of any record relating to the administration of this chapter
22 that is provided to the person by the department under s. 108.14 (7) (a) ~~or~~, (b), or (bm)
23 and any person who, without authorization of the commission, permits inspection or
24 disclosure of any record relating to the administration of this chapter that is provided
25 to the person by the commission under s. 108.14 (7) (a), shall be fined not less than

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1 \$25 nor more than \$500 or may be imprisoned in the county jail for not more than
2 one year or both. Each such unauthorized inspection or disclosure constitutes a
3 separate offense.

4 **SECTION 1722.** 111.335 (1) (cx) of the statutes is amended to read:

5 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
6 discrimination because of conviction record to refuse to employ or license, or to bar
7 or terminate from employment or licensure, any individual who has been convicted
8 of any offense under s. ~~38.50~~ 440.55 (13) (c).

9 **SECTION 1723.** 111.81 (7) (f) of the statutes is amended to read:

10 111.81 (7) (f) Instructional staff employed by the board of regents of the
11 University of Wisconsin System who provide services for a charter school established
12 by contract under s. 118.40 (2r) (cm), 2011 stats.

13 **SECTION 1724.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Acts
14 10 and 32, is amended to read:

15 111.815 (1) In the furtherance of this subchapter, the state shall be considered
16 as a single employer and employment relations policies and practices throughout the
17 state service shall be as consistent as practicable. The office shall negotiate and
18 administer collective bargaining agreements. To coordinate the employer position
19 in the negotiation of agreements, the office shall maintain close liaison with the
20 legislature relative to the negotiation of agreements and the fiscal ramifications of
21 those agreements. Except with respect to the collective bargaining unit specified in
22 s. 111.825 (1r), and (1t),, the office is responsible for the employer functions of the
23 executive branch under this subchapter, and shall coordinate its collective
24 bargaining activities with operating state agencies on matters of agency concern.
25 The legislative branch shall act upon those portions of tentative agreements

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1 negotiated by the office that require legislative action. With respect to the collective
2 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
3 of Wisconsin System is responsible for the employer functions under this subchapter.
4 With respect to the collective bargaining units specified in s. 111.825 (1t), the
5 chancellor of the University of Wisconsin–Madison is responsible for the employer
6 functions under this subchapter. With respect to the collective bargaining unit
7 specified in s. 111.825 (1r) (ef), the governing board of the charter school established
8 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
9 functions under this subchapter.

10 **SECTION 1725.** 111.825 (1r) (ef) of the statutes, as affected by 2011 Wisconsin
11 Act 32, is amended to read:

12 111.825 (1r) (ef) Instructional staff employed by the board of regents of the
13 University of Wisconsin System who provide services for a charter school established
14 by contract under s. 118.40 (2r) (cm), 2011 stats.

15 **SECTION 1726.** 111.825 (2) (f) of the statutes is amended to read:

16 111.825 (2) (f) Instructional staff employed by the board of regents of the
17 University of Wisconsin System who provide services for a charter school established
18 by contract under s. 118.40 (2r) (cm), 2011 stats.

19 **SECTION 1727.** 111.92 (1) (c) of the statutes is amended to read:

20 111.92 (1) (c) Any tentative agreement reached between the governing board
21 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
22 acting for the state, and any labor organization representing a collective bargaining
23 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
24 organization and approval by the chancellor of the University of
25 Wisconsin–Parkside, be executed by the parties.

ASSEMBLY BILL 40**SECTION 1728**

1 **SECTION 1728.** 114.33 (6) (a) of the statutes is amended to read:

2 114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and
3 114.37, the secretary may acquire by gift, devise, purchase or condemnation any
4 lands for establishing, protecting, laying out, enlarging, extending, constructing,
5 reconstructing, improving and maintaining airports, or interests in lands in and
6 about airports. After completion of the improvements, subject to any prior action
7 under s. 13.48 (14) (am) or 16.848 (1), the secretary may convey as provided in this
8 subsection lands that were acquired under this subsection, but were not necessary
9 for the airport improvements. The conveyances may be made with reservations
10 concerning the future use and occupation of those lands so as to protect the airports
11 and improvements and their environs and to preserve the view, appearance, light,
12 air and usefulness of the airports.

13 **SECTION 1729.** 114.33 (10) of the statutes is amended to read:

14 114.33 (10) Subject to the approval of the governor under this subsection and
15 subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the secretary may
16 sell at public or private sale property of whatever nature owned by the state and
17 under the jurisdiction of the secretary when the secretary determines that the
18 property is no longer necessary for the state's use for airport purposes and, if real
19 property, the real property is not the subject of a petition under s. 16.310. The
20 secretary shall present to the governor a full and complete report of the property to
21 be sold, the reason for the sale, and the minimum price for which the property should
22 be sold, together with an application for the governor's approval of the sale. The
23 governor shall investigate the proposed sale as he or she deems necessary and
24 approve or disapprove the application. Upon approval and receipt of the full
25 purchase price, the secretary shall by appropriate deed or other instrument transfer

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1 the property to the purchaser. The funds derived from the sale shall be deposited in
2 the appropriate airport fund, and the expense incurred by the secretary in
3 connection with the sale shall be paid from that fund. This subsection does not apply
4 to real property that is sold under s. 16.848.

5 **SECTION 1730.** 115.001 (1) of the statutes is amended to read:

6 ~~115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract~~
7 ~~with a school board under s. 118.40 or with one of the entities an entity under s.~~
8 ~~118.40 (2r) (b) 1, or a school established and operated by one of the entities an entity~~
9 ~~under s. 118.40 (2r) (b) 1. a. to d.~~

10 **SECTION 1731.** 115.28 (7) (g) of the statutes is created to read:

11 115.28 (7) (g) Notwithstanding s. 118.19 (3), (4m), (6) to (9), and (12) to (14),
12 grant a charter school teaching license to any person who has a bachelor's degree and
13 demonstrates, based upon criteria established by the department, that the person
14 is proficient in the subject or subjects that he or she intends to teach. The license
15 authorizes the person to teach that subject or those subjects in a charter school. The
16 license is valid for 3 years and is renewable for 3-year periods.

17 **SECTION 1732.** 115.28 (12) (a) of the statutes is amended to read:

18 ~~115.28 (12) (a) Working with the office of the governor, establish a student~~
19 ~~information system to collect and maintain information about pupils enrolled in~~
20 ~~public schools, and charter schools and, subject to par. (b), about pupils enrolled in~~
21 ~~private schools participating in a parental choice program under s. 118.60 or 119.23,~~
22 ~~including their academic performance and demographic information, aggregated by~~
23 ~~school district, school, and teacher.~~

24 **SECTION 1733.** 115.28 (12) (ag) (intro.) of the statutes is amended to read:

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1 115.28 (12) (ag) (intro.) ~~Beginning in the 2012-13 school year, each~~ Each school
2 district, charter school, and private school using the system under par. (a) shall
3 include in the system the following information for each teacher teaching in the
4 school district or school who completed a teacher preparatory program described in
5 sub. (7) (a) and located in this state or a teacher education program described in sub.
6 (7) (e) 2. and located in this state on or after January 1, 2012:

7 **SECTION 1734.** 115.28 (12) (b) of the statutes is amended to read:

8 115.28 (12) (b) ~~Ensure~~ that within 5 years of the establishment of the system
9 under par. (a), every school district and charter school is using the system, and that
10 every private school participating in a parental choice program under s. 118.60 or
11 119.23 is either using the system under par. (a) or is using a system that is
12 interoperable with the system under par. (a). The state superintendent may
13 promulgate rules authorizing the department to charge a fee to any person that uses
14 the system. All fees shall be credited to the appropriation account under s. 20.255
15 (1) ~~(jm)~~ (he).

16 **SECTION 1735.** 115.28 (27) of the statutes is created to read:

17 115.28 (27) WISELEARN. Develop and maintain an online resource, called
18 WISElearn, to provide educational resources for parents, teachers, and pupils; offer
19 online learning opportunities; provide regional technical support centers; provide
20 professional development for teachers; and enable video conferencing.

21 **SECTION 1736.** 115.28 (54) of the statutes is created to read:

22 115.28 (54) COLLABORATIVE CONTENT DELIVERY AND ONLINE INSTRUCTION. Promote
23 the delivery of digital content and collaborative instruction among schools within a
24 school district and between 2 or more school districts, including through online
25 courses. To accomplish the objectives of this subsection, the department may not

If the student information system is established under par. (a), each

If the student information system is established under par. (a), ensure

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1 promulgate a rule that requires a licensed teacher or instructional staff person,
2 defined as required under s. 121.02 (1) (a) 2., to be physically present in a classroom
3 in which the delivery of content or collaborative instruction is being provided in that
4 classroom digitally or through an online course.

5 **SECTION 1737.** 115.28 (59) of the statutes is created to read:

6 115.28 (59) ACADEMIC AND CAREER PLANNING. (a) Ensure that, beginning in the
7 2017–18 school year, every school board is providing academic and career planning
8 services to pupils enrolled in grades 6 to 12 in the school district.

9 (b) Procure, install, and maintain information technology, including computer
10 software, to be used statewide by school districts to provide academic and career
11 planning services to pupils in grades 6 to 12.

12 (c) Provide guidance, training, and technical assistance to school districts and
13 school district staff, including teachers and counselors, on how to implement model
14 academic and career plans, including training and technical assistance that is
15 necessary to implement the information technology under par. (b).

16 (d) Promulgate rules to implement this subsection.

17 **SECTION 1738.** 115.28 (60) of the statutes is created to read:

18 115.28 (60) TEACH FOR AMERICA. Distribute the amounts appropriated under
19 s. 20.255 (3) (cm) to Teach for America, Inc., to recruit and prepare individuals to
20 teach in low-income or urban school districts *in this state*

21 **SECTION 1739.** 115.297 (1) (a) of the statutes is amended to read:

22 115.297 (1) (a) “Agencies” means the department, the board of regents of the
23 University of Wisconsin System, the department of children and families, the
24 department of workforce development, the technical college system board, and the
25 Wisconsin Association of Independent Colleges and Universities.

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SECTION 1740

1 **SECTION 1740.** 115.297 (3) (a) of the statutes is amended to read:

2 115.297 (3) (a) Requires that the agencies establish and maintain a
3 longitudinal data system of student data that links such data from preschool
4 programs to postsecondary education programs, and describes the process by which
5 the data system will be established and maintained, and ensures its interoperability
6 with the work force data systems maintained by the department of workforce
7 development. The data system may consist of separate record systems integrated
8 through agreement and data transfer mechanisms.

9 **SECTION 1741.** 115.297 (3) (d) of the statutes is amended to read:

10 115.297 (3) (d) Requires the agencies to exchange student and work force data
11 to the extent necessary to perform the evaluation or study approved under par. (c).

12 **SECTION 1742.** 115.297 (4) (a) of the statutes is amended to read:

13 115.297 (4) (a) Except as provided in par. (b), any of the agencies may submit
14 student or work force data to the longitudinal data system under sub. (3) (a), to
15 another agency, or to a public or private research organization, to support an
16 evaluation or study under this section.

17 **SECTION 1743.** 115.297 (6) of the statutes is created to read:

18 115.297 (6) REPORT. Annually by October 1, the agencies shall submit a joint
19 report to the secretary of administration regarding their progress in establishing a
20 longitudinal data system under sub. (3) (a).

21 **SECTION 1744.** 115.363 (2) (b) of the statutes is amended to read:

22 115.363 (2) (b) The school board shall pay to each nonprofit corporation with
23 which it contracts under par. (a) an amount that is no more than the amount paid
24 per pupil under s. 118.40 (2r) (e) ~~1m. or 2m.~~ or 2n. in the current school year
25 multiplied by the number of pupils participating in the program under the contract.

1 2n., 1 or 2p.

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1 **SECTION 1745.** 115.38 (1) (d) of the statutes is amended to read:

2 115.38 (1) (d) The number and percentage of resident pupils attending a course
3 ~~in a nonresident school district~~ at an educational institution under s. 118.52, the
4 number of nonresident pupils attending a course in the school district under s.
5 118.52, and the courses taken by those pupils.

6 **SECTION 1746.** 115.385 of the statutes is created to read:

7 **115.385 School and school district accountability report.** (1) Annually

8 by June 30, the department shall publish a school and school district accountability
9 report that includes all of the following components:

10 (a) Multiple measures to determine a school's performance or a school district's
11 improvement, including all of the following:

12 1. Pupil achievement and growth in reading and mathematics.

13 2. Measures of college and career readiness for high school pupils and measures
14 indicative of being on track for college and career readiness in the elementary grades.

15 3. Gaps in pupil achievement and rates of graduation, categorized by race,
16 English language proficiency, disability, and income level.

17 (b) An index system to identify a school's level of performance and annually
18 place each school into one of 5 performance categories.

19 (2) Beginning one year after a charter school established under s. 118.40 (2r)
20 or a private school participating in a parental choice program under s. 118.60 or
21 119.23 begins using the student information system under s. 115.28 (12) (b), or begins
22 using a system that is interoperable with that system, the department shall include
23 the school in its annual school accountability report under sub. (1).

24 **SECTION 1747.** 115.40 of the statutes is created to read:

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1 **115.40 School performance incentive program.** (1) GRANTS TO HIGH
2 PERFORMING SCHOOLS. Beginning in the 2014–15 school year and annually thereafter,
3 from the appropriation under s. 20.255 (2) (da), the department shall award an
4 amount determined as follows to the school board of any school that is placed in a
5 performance category of “significantly exceeds expectations” or “exceeds
6 expectations” on the accountability report published for the school under s. 115.385
7 at the end of the immediately preceding school year:

8 (a) Divide the amount appropriated under s. 20.255 (2) (da) by the sum of the
9 number of pupils enrolled in each school eligible to receive an award under this
10 subsection.

11 (b) Multiply the quotient determined in par. (a) by the number of pupils
12 enrolled in the school.

13 (2) GRANTS TO SCHOOLS THAT DEMONSTRATE IMPROVEMENT. Beginning in the
14 2014–15 school year and annually thereafter, from the appropriation under s. 20.255
15 (2) (db), the department shall award an amount determined as follows to the school
16 board of any school that increases the numeric score, used as the basis for the
17 performance category within which the school was placed on the accountability
18 report published for the school under s. 115.385 at the end of the immediately
19 preceding school year, by at least 3 points over the numeric score received on the
20 accountability report published for the school at the end of the previous school year:

21 (a) For each school eligible to receive an award under this paragraph, multiply
22 the number of pupils enrolled in the school by the number of points by which the score
23 on the most recent accountability report published for the school exceeded the score
24 received in the previous school year.

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(b) Divide the amount appropriated under s. 20.255 (2) (db) by the sum of the products under par. (a).

(c) Multiply the quotient determined in par. (b) by the number of pupils enrolled in the school.

(3) GRANTS TO SCHOOLS THAT FAIL TO MEET EXPECTATIONS. Beginning in the 2014–15 school year and annually thereafter, from the appropriation under s. 20.255 (2) (dd), the department shall award grants under this subsection to school boards within which a school that was placed in a performance category of “fails to meet expectations” on the accountability report published for the school under s. 115.385 at the end of the immediately preceding school year if the school board includes with the notice of intent required under this subsection a written school improvement plan for each school eligible to receive an award under this subsection and if the department determines that the school improvement plan includes and comprehensively addresses all of the following components:

(a) A plan to achieve improvements in math and reading.

(b) A plan to collaborate with a high-performing school or a high-performing school district to obtain best practices.

(c) A plan to use the educator effectiveness system developed under s. 115.415 to achieve teacher and principal improvement.

(d) A plan to make administrative or staffing changes to achieve improvement.

(e) A plan to meet goals, set jointly by the school board and the department, that are based on measurable objectives, including those included on accountability reports published for the school under s. 115.385.

(4) INTENT TO PARTICIPATE; DISTRIBUTION OF FUNDS. (a) The school board of a school eligible to receive an award under this section shall submit an intent to

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1 participate to the department within 60 days after the department publishes the
2 accountability report for the school as required under s. 115.385.

3 (b) 1. The administrator of a school eligible to receive an award under this
4 section shall comply with the policy prepared under s. 120.12 (2r) for the distribution
5 of funding to the school.

6 2. Upon compliance with the requirement under subd. 1., the school board of
7 the school district within which the eligible school is located shall distribute the full
8 amount of any award determined for the eligible school under sub. (1) or (2), or the
9 full amount awarded to the eligible school under sub. (3), to that school.

10 **SECTION 1748.** 115.415 (2) (intro.) of the statutes is amended to read:

11 115.415 (2) (intro.) The department shall develop an educator effectiveness
12 evaluation system according to the following framework, and may charge a fee to a
13 school district and the governing body of a charter school established under s. 118.40
14 (2r) to use the system developed under this subsection:

15 **SECTION 1749.** 115.415 (4) of the statutes is created to read:

16 115.415 (4) From the appropriation under s. 20.255 (2) (ek), the department
17 may award grants to school districts and the governing body of a charter school
18 established under s. 118.40 (2r) to implement an educator effectiveness evaluation
19 system developed under sub. (2) or an equivalency process established by rule under
20 sub. (3).

21 **SECTION 1750.** 115.42 (1) (a) 5. of the statutes is created to read:

22 115.42 (1) (a) 5. If the person is licensed by the department as a master educator
23 under s. PI 34.19, Wis. Adm. Code, he or she has a rating of "effective" or "highly
24 effective" in the applicable educator effectiveness system, as determined by the
25 department.

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SECTION 1751

1 **SECTION 1751.** 115.42 (2) (a) 5. of the statutes is created to read:

2 115.42 (2) (a) 5. If the person is licensed by the department as a master educator
3 under s. PI 34.19, Wis. Adm. Code, he or she maintains a rating of "effective" or
4 "highly effective" in the applicable educator effectiveness system, as determined by
5 the department.

6 **SECTION 1752.** 115.77 (1) of the statutes is amended to read:

7 115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)
8 2., if a child with a disability is attending a public school in a nonresident school
9 district under s. 115.7915, 118.51, or 121.84 (1) (a) or (4), "local educational agency"
10 means the school district that the child is attending.

11 **SECTION 1753.** 115.791 (4) of the statutes is amended to read:

12 115.791 (4) Subject to s. 115.77 (1m) (d) and (e), this section does not require
13 a local educational agency to pay the cost of education, including special education
14 and related services, of a child with a disability at a private school or facility,
15 including a child with a disability attending a private school under s. 115.7915, if the
16 local educational agency made a free appropriate public education available to the
17 child and the child's parents elected to place the child in a private school or facility.

18 **SECTION 1754.** 115.7915 of the statutes is created to read:

19 **115.7915 Special Needs Scholarship Program. (1) DEFINITION.** In this
20 section:

21 (a) "Eligible school" means a public school located in this state but outside the
22 pupil's school district of residence; a charter school located in this state, including a
23 charter school located in the pupil's school district of residence and a charter school
24 under s. 118.40 (8); or a private school located in this state.

25 (b) "Services plan" has the meaning given in 34 CFR 300.37.

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1 (1m) SCHOLARSHIP REQUIREMENTS. Subject to sub. (1r), beginning in the
2 2013-14 school year, a child with a disability shall receive a scholarship under this
3 section to attend an eligible school if all of the following apply:

4 (a) The school district in which the eligible public school is located, the eligible
5 charter school, or the eligible private school notified the department of its intent to
6 participate in the program under this section. The notice shall specify the number
7 of pupils who may participate in the program under this section for whom the school
8 has space.

9 (b) The school, if a private school, is approved by the state superintendent
10 under s. 118.165 (2) or is accredited by the Wisconsin North Central Association,
11 Wisconsin Religious and Independent Schools Accreditation, the Independent
12 Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod
13 School Accreditation, National Lutheran School Accreditation, the diocese or
14 archdiocese within which the private school is located, or any other organization
15 recognized by the National Council for Private School Accreditation as of the August
16 1 preceding the school term for which the scholarship is awarded.

17 (c) An individualized education program or services plan has been completed
18 for the child.

19 (d) The child attended a public school, attended a charter school, attended a
20 private school under s. 118.60 or 119.23, or did not attend school in this state, for the
21 entire school year immediately preceding the school year for which the child first
22 receives a scholarship under this section.

23 (e) The child, or the child's parent on behalf of the child, has submitted an
24 application to the eligible school, on a form prepared by the department, for a
25 scholarship under this section to attend the eligible school. The application shall

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1 include the document developed by the department under sub. (2) (a). An application
2 may be made, and a child may begin attending an eligible school under this section,
3 at any time during the school year.

4 (f) The child has been accepted by the school district in which the eligible public
5 school is located, the eligible charter school, or the eligible private school.

6 **(1r) LIMIT ON NUMBER OF SCHOLARSHIP RECIPIENTS.** The total number of
7 scholarship recipients under this section in any school year may not exceed 5 percent
8 of the total number of children with disabilities residing in this state in the previous
9 school year, as determined by the department.

10 **(1s) ACCEPTANCE OF PUPILS.** If an eligible school receives more applications
11 under sub. (1m) (e) than the number of pupils specified in the notice under sub. (1m)
12 (a), it shall select pupils on a random basis except that it may give preference to
13 siblings of pupils who are already attending the eligible school.

14 **(2) DEPARTMENT DUTIES.** (a) 1. The department shall develop, for inclusion with
15 an application under sub. (1m) (e), a document, and revise it as necessary, comparing
16 the rights of a child with a disability and of his or her parent under this subchapter,
17 other than this section, and 20 USC 1400 to 1482, with the rights of a child with a
18 disability and of his or her parent under this section and 20 USC 1400 to 1482.

19 2. Receipt by an applicant of the document developed under subd. 1.,
20 acknowledged in a format prescribed by the department, constitutes notice that the
21 applicant has been informed of his or her rights under this section and 20 USC 1400
22 to 1482. Subsequent acceptance of a scholarship under this section constitutes the
23 applicant's informed consent to the rights specified in the document.

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(b) The governing body of an eligible school that accepts a child under sub. (1m) (f) shall notify the department. Upon being notified, the department shall do all of the following:

1. Notify the school board of the pupil's school district of residence that the pupil has been awarded a scholarship under this section. The school board shall, within 3 days of receiving the notice, provide the department and the governing body of the eligible school that accepted the pupil with a copy of the pupil's individualized education program.

2. Determine the amount of the pupil's scholarship. The amount shall be the lesser of the following:

a. Divide the sum of the statewide gross property tax levy for schools in the previous year and the total amount of general school aid appropriated under s. 20.255 (2) (ae), (ar), and (bb) in the previous fiscal year by the total statewide membership, as defined in s. 121.004 (5), in the previous school year, and add to the quotient the result obtained by dividing the amount appropriated under s. 20.255 (2) (b) in the previous fiscal year by the total full-time equivalent number of children with disabilities enrolled in public schools in the previous school year.

b. The cost to the school district in which the eligible public school is located, the eligible charter school, or the eligible private school of providing to the pupil regular instruction, instructional and pupil support services, special education and related services, supplementary aids and services, and operating and debt services costs per pupil, as described under s. 118.60 (4) (d), other than costs under s. 115.88 (3) and (4).

3. Prorate the amount determined under subd. 2. for a pupil attending an eligible school for less than a full school term.

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1 4. Notify the parent of the scholarship amount, as determined under subd. 2.
2 or 3., accompanied by an explanation of how the amount was determined.

3 5. On behalf of the pupil's parent, pay the scholarship to the school district,
4 charter school, or private school that the pupil attends from the appropriation under
5 s. 20.255 (2) (az), except that the department may not pay a scholarship to a private
6 school unless the pupil's parent has acknowledged receiving the private school's
7 profile under sub. (4) (g) in the manner provided by the department. Except as
8 provided in sub. (3) (c), the scholarship continues while the pupil attends an eligible
9 school until the pupil graduates from high school or until the end of the school term
10 in which the pupil attains the age of 21, whichever comes first.

11 (3) SCHOOL BOARD DUTIES. (a) Annually, each school board shall notify the
12 parents of each child with a disability enrolled in the school district of the program
13 under this section.

14 (b) Upon the request of a parent of a pupil receiving a scholarship, the pupil's
15 resident school district shall administer the appropriate examinations under s.
16 118.30 to the pupil at no cost if the school attended by the pupil does not administer
17 them.

18 (c) If a child attends a private school under this section, the school board of the
19 child's school district of residence shall ensure that the child's individualized
20 education program team reevaluates the child as provided in s. 115.782 (4). If the
21 individualized education program team determines that the child is no longer a child
22 with a disability, the child is ineligible to receive a scholarship under this section
23 beginning in the school term following the determination.

24 (3m) MAINTENANCE OF EFFORT. Whenever a pupil receives a scholarship under
25 this section, the department and the school board of the pupil's school district of

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1 residence shall count the scholarship amount toward federal maintenance-of-effort
2 requirements.

3 (4) PRIVATE SCHOOL DUTIES. Each private school participating in the program
4 under this section shall do all of the following:

5 (a) Comply with all health and safety laws or codes that apply to private
6 schools.

7 (b) Hold a valid certificate of occupancy, if required by the municipality in which
8 the school is located or, if the municipality in which the school is located does not
9 issue certificates of occupancy, obtain a certificate of occupancy issued by the local
10 or regional governmental unit with authority to issue certificates of occupancy.

11 (c) Comply with 42 USC 2000d.

12 (d) Conduct criminal background investigations of its employees and exclude
13 from employment any person not permitted to hold a teaching license as the result
14 of an offense and any person who might reasonably be believed to pose a threat to the
15 safety of others.

16 (e) Annually submit to the department a school financial information report,
17 prepared by a certified public accountant, that complies with uniform financial
18 accounting standards established by the department by rule under s. 118.60 (11) (a).
19 The report shall be accompanied by an auditor's statement that the report is free of
20 material misstatements and fairly represents pupil costs. The report shall be limited
21 in scope to those records that are necessary for the department to make payments
22 to the private school.

23 (f) If the private school expects to receive at least \$50,000 in scholarships under
24 this section during a school year, do one of the following before the beginning of the
25 school year:

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1 1. File with the department a surety bond payable to the state in an amount
2 equal to 25 percent of the total amount of scholarships expected to be received by the
3 private school during the school year under this section.

4 2. File with the department financial information demonstrating that the
5 private school has the ability to pay an amount equal to the total amount of
6 scholarships expected to be received by the private school during the school year
7 under this section.

8 (g) Provide to each applicant under sub. (1m) (e) a profile of the private school's
9 special education program, in a form prescribed by the department, that includes the
10 methods of instruction that will be used by the school to provide special education
11 and related services to the child and the qualifications of the teachers and other
12 persons who will be providing special education and related services to the child.

13 (h) 1. Implement the child's most recent individualized education program or
14 services plan, as modified by agreement between the private school and the child's
15 parent, and related services agreed to by the private school and the child's parent
16 that are not included in the child's individualized education program or services
17 plan.

18 2. Provide a record of the implementation of the child's individualized
19 education program or services plan under subd. 1., including an evaluation of the
20 child's progress, to the school board of the school district in which the child resides
21 in the form and manner prescribed by the department.

22 (i) Regularly report to the parent of a pupil attending the private school and
23 receiving a scholarship under this section on the pupil's progress.

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1 (5) TRANSPORTATION. (a) *Private school.* Section 121.54 applies to the
2 transportation of a pupil to and from the private school he or she is attending under
3 this section.

4 (b) *Public school.* Section 118.51 (14) applies to the transportation of a pupil
5 to and from the public school he or she is attending under this section.

6 (6) PENALTIES. (a) The department may bar a school district, charter school,
7 or private school from participating in the program under this section if the
8 department determines that the school district, charter school, or private school has
9 done any of the following:

10 1. Intentionally and substantially misrepresented information required under
11 sub. (4).

12 2. Routinely failed to comply with the standards under sub. (4) (e) or (f).

13 3. Used a pupil's scholarship for any purpose other than educational purposes
14 or rebated, refunded, or shared a pupil's scholarship with a parent or pupil.

15 4. Failed to refund to the state, in a timely manner, any scholarship
16 overpayments.

17 (b) If the department bars a school district, charter school, or private school
18 from participating in the program under this section, it shall notify all pupils eligible
19 to participate in the program and their parents as quickly as possible. A pupil who
20 is receiving a scholarship and attending a school district, charter school, or private
21 school barred from the program may attend another participating school district,
22 charter school, or private school under the scholarship.

23 (7) STUDY. (a) The legislative audit bureau shall contract for a study of the
24 program under this section with one or more researchers who have experience
25 evaluating school choice programs. The study shall evaluate all of the following:

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1 1. The level of satisfaction with the program expressed by participating pupils
2 and their parents.

3 2. The percentage of participating pupils who were victimized because of their
4 special needs at their resident school district and the percentage of such pupils at
5 their participating school.

6 3. The percentage of participating pupils who exhibited behavioral problems
7 at their resident school district and the percentage of such pupils at their
8 participating school.

9 4. The average class size at participating pupils' resident school districts and
10 at their participating schools.

11 5. The fiscal impact of the program on the state and on resident school districts.

12 (b) The contract under par. (a) shall require the researchers who conduct the
13 study to do all of the following:

14 1. Apply appropriate analytical and behavioral science methodologies to
15 ensure public confidence in the study.

16 2. Protect the identity of participating schools and pupils.

17 (c) The contract under par. (a) shall require that the results of the study be
18 reported to the appropriate standing committees of the legislature under s. 13.172
19 (3) by January 9, 2016.

20 (8) RULES. The department shall promulgate rules to implement and
21 administer this section, including rules relating to all of the following:

22 (a) The eligibility and participation of eligible schools, including timelines that
23 maximize pupil and school participation.

24 (b) The calculation and distribution of scholarships.

25 (c) The application and approval procedures for pupils and eligible schools.

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(d) In a manner consistent with federal law, requiring the school board of a school district participating in the program under this section to spend its federal equitable share funds on children with disabilities who are enrolled by their parents in private schools other than under this section.

SECTION 1755. 118.016 (1) of the statutes is amended to read:

118.016 (1) ~~Beginning in~~ ^(plain) In the 2012-13 and 2013-14 school year ~~years~~, each school board and the governing body of each charter school established under s. 118.40 (2r) shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in kindergarten ^{to first grade} in the school district or in the charter school for reading readiness. Beginning in the 2014-15 school year, each school board and the governing body of each charter school established under s. 118.40 (2r) shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in grades kindergarten to 2 in the school district or in the charter school for reading readiness. The department shall ensure that the assessment evaluates whether a pupil possesses phonemic awareness and letter sound knowledge.

SECTION 1756. 118.145 (4) of the statutes is amended to read:

118.145 (4) The school board of a school district operating high school grades shall allow a pupil enrolled in a private school, or a pupil enrolled in a tribal school, or a pupil enrolled in a home-based educational program, who has met the standards for admission to high school under sub. (1), to take up to 2 courses during each school semester if the pupil resides in the school district in which the public school is located and if the school board determines that there is sufficient space in the classroom.

SECTION 1757. 118.19 (13) of the statutes is repealed.